

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MICROBILT CORPORATION,

Plaintiff,

Case No. 05-60038

v.

District Judge Marianne O. Battani
Magistrate Judge R. Steven Whalen

DOGITAL DIALOGUE, LLC.,
DIALOGUE MARKETING, INC.,
and PETER SCHMITT,

Defendants.

**ORDER GRANTING IN PART AND DENYING IN PART
DEFENDANTS' MOTION TO COMPEL DISCOVERY**

Before the Court is Defendant's Motion to Compel Discovery [Docket #33], which has been referred for hearing and determination pursuant to 28 U.S.C. §636(b)(1)(A). For the reasons and under the terms stated on the record on March 9, 2006, the motion is GRANTED IN PART AND DENIED IN PART, as follows:

1. As to Defendants' Document Requests 4, 5 and 10 (Plaintiff's financial information) and 6 (Plaintiff's corporate tax returns), the motion is DENIED, provided that Defendant files with the Court a written withdrawal of the intentional interference with

business claim (Count V) and of any claim for damages based on Plaintiff's lost profits.¹

2. As to Defendants' Document Request 7 (Licensing Agreements), the motion is GRANTED.

3. As to Defendants' Document Request 3 (documents relating to the six customers alleged to have been lost, including contracts between the Plaintiff and those customers), the motion is GRANTED.

4. As to Defendants Interrogatories 7-18, the motion is GRANTED.

All discovery covered by this Order shall be provided within 21 days of the date of this Order.

SO ORDERED.

S/R. Steven Whalen
R. STEVEN WHALEN
UNITED STATES MAGISTRATE JUDGE

Dated: March 10, 2006

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing order was served on the attorneys and/or parties of record by electronic means or U.S. Mail on March 10, 2006.

s/Gina Wilson
Judicial Assistant

¹ Plaintiff's counsel represented willingness to withdraw these claims at the hearing on this motion.